

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABDULLAH SPENCER EL-DEY,

Plaintiff,

-against-

CYNTHIA BRANN, ET AL.,

Defendants.

20-CV-7208 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff, currently detained in the North Infirmary Command on Rikers Island, brings this action *pro se* and *in forma pauperis*. By order dated November 4, 2020, the Court directed the Clerk of Court under Rule 21 of the Federal Rules of Civil Procedure to add as defendants Correction Officers Felder, Hazel, and Fung, Deputies Tynda and McBean, Chief Jenkins, Warden Collins, and Captains Battle, Rawlingson, Terry, and Turner. ECF No. 7. The order further requested that these defendants waive service of summons. On December 1, 2020, the New York City Department of Correction (“DOC”) declined to waive service on behalf of Felder, Tynda, Collins, and Rawlingson. ECF No. 11. DOC noted that Tynda and Rawlingson did not match the names of any of its employees; Collins is no longer a DOC employee; and it required more information to identify Felder. *Id.*

Within thirty days of the date of this order, Plaintiff is directed to submit a letter to the Court providing more detailed, descriptive information about Felder, Tynda, and Rawlingson to assist the New York City Law Department in properly identifying these defendants. **Within thirty days after Plaintiff provides this information**, the New York City Law Department shall again attempt to identify the defendants whom Plaintiff seeks to sue here. If the defendant is a current or former DOC employee or official, the New York City Law Department should note in

the response to this order that service should be made electronically, under the e-service agreement for cases involving DOC defendants. If the defendant is or was employed at a DOC facility but is not a current or former employee of DOC, the New York City Law Department must provide a home address where the individual may be served.

So that the U.S. Marshals may attempt service on Collins, the Court directs the New York City Law Department, **within thirty days of this order**, to provide the full name for Collins, and a forwarding address where he may be served, by *ex parte* letter emailed directly to Chambers at Furman_NYSDChambers@nysd.uscourts.gov. *See Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997). Once the Court receives the last known address for Collins, the Court will issue a further order directing the Clerk of Court to (1) issue a new summons for Collins; (2) fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for Collins with the address provided; and (3) deliver a service package to the U.S. Marshals Service so that service can be effected upon Collins.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and to note such service on the docket.

SO ORDERED.

Dated: December 3, 2020
New York, New York



JESSE M. FURMAN
United States District Judge